

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE: Monday, April 8, 2013**

**CASE NUMBER: C15-2013-0024**

☒ Y \_\_\_\_\_ Jeff Jack  
☒ Y \_\_\_\_\_ Michael Von Ohlen 2<sup>nd</sup> the Motion  
☒ Y \_\_\_\_\_ Nora Salinas  
☒ Y \_\_\_\_\_ Bryan King  
☒ Y \_\_\_\_\_ Fred McGhee  
☒ Y \_\_\_\_\_ Melissa Hawthorne Motion to PP to May 13, 2013  
☒ Y \_\_\_\_\_ Sallie Burchett  
\_\_\_\_\_ Cathy French (SRB only)

**APPLICANT: Scott Turner**

**OWNER: Getsemani Pentacostal Chruch**

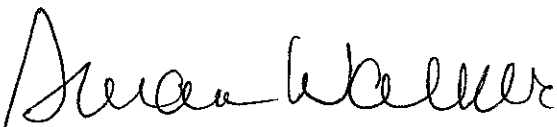
**ADDRESS: 2501 4TH ST**


**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side street setback requirement of Section 25-2-492 (D) from 15 feet to 5 feet in order to erect a single family residence on a lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Holly Neighborhood Plan)

**BOARD'S DECISION:** The public hearing was closed on Board Member Melissa Hawthorne motion to postpone to May 13, 2013, Board Member Michael Von Ohlen second on a 7-0 vote; **POSTPONED TO MAY 13, 2013.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
  
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

  
\_\_\_\_\_  
Susan Walker  
Executive Liaison

  
\_\_\_\_\_  
Jeff Jack  
Chairman

## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
  - appearing and speaking for the record at the public hearing;
- and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2013-0024 – 2501 E 4<sup>th</sup> Street (a.k.a. 2500

E 3rd Street)

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, April 8th, 2013

Francisco Rodriguez

Your Name (please print)

☐ I am in favor  
☒ I object

2409 E 2nd st.

Your address(es) affected by this application

Susan Walker Rodriguez

Signature

3/31/2013

Date

Daytime Telephone: 512-478-0629

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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E 3rd Street)

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, April 8th, 2013

Augusta Sanchez  
Your Name (please print)

☐ I am in favor  
☒ Object

2505 E 3rd St Austin TX 78702  
Your address(es) affected by this application

Augusta Sanchez 4-1-13  
Signature Date

Daytime Telephone: 512-568-0530

Comments: The street is already narrow  
to many cars park there in the  
street cannot see when coming  
out of 3rd street to turn. Too  
much traffic

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E 3rd Street)

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, April 8th, 2013

Pavl Fucik

Your Name (please print)

2504 E. 3RD 78102

☐ I am in favor  
☒ I object

Your address(es) affected by this application

*Pavl Fucik*

Signature

4/3/13

Date

Daytime Telephone: 512 791-7908

Comments: The 2 lots in question are very big lots  
that should allow plenty of room for a single  
family home. Also, there is much development  
in this area w/ larger homes that HAVE NOT  
needed a 5' variance.

Thank you,

*Pavl Fucik*

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Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

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E 3rd Street)

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, April 8th, 2013

*RAUL CRUZ*

Your Name (please print)

2504 E-3rd St

78702

☐ I am in favor  
☒ I object

Your address(es) affected by this application

*Raul Cruz*

Signature

4-5-13

Date

Daytime Telephone: 512-970-0833

Comments:

**If you use this form to comment, it may be returned to:**

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Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

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**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, April 8th, 2013

Your Name (please print)

DOREIS CEUZ

☐ I am in favor  
☒ I object

2504 E. 3rd

78702

Your address(es) affected by this application

Susan Walker

Signature

4-5-13

Date

Daytime Telephone: 512-472-2242

Comments:

**If you use this form to comment, it may be returned to:**

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Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2013-0024  
LOCATION: 2501 EAST 4TH STREET



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE #

ROW #

C15-2013-0024

10911818

TP-0202110301

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

**WARNING: Filing of this appeal stops all affected construction activity.**

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 2501 East 4<sup>th</sup> Street (This lot has never been assigned an address and fronts to 3<sup>rd</sup> Street)

LEGAL DESCRIPTION: Subdivision – Lot 1 Block 1 OLT Chernosky M E

Lot(s) 1 Block 1 Outlot Division Block 1 OLT Chernosky M E

I/We Scott Turner on behalf of myself/ourselves as authorized agent for

GETSEMANI PENTACOSTAL CHURCH T affirm that on February 20, 2013       ,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

X ERECT        ATTACH        COMPLETE        REMODEL        MAINTAIN

Reduce the 15 side yard setback to 5' in order to erect new SF residential

in a SF-3 - NP district.  
(zoning district)

(Wally N.P.)



**NOTE:** The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

There are three protected trees on this narrow, vacant corner lot. The size and location of their critical root zones do not allow construction in the buildable lot area with a 15' side yard setback, as shown in Exhibit A.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

The critical root zones of the protected trees on the narrow lot do not leave enough area to accommodate the 15' street side yard setback.

- 
- (b) The hardship is not general to the area in which the property is located because:

The size and location of the protected trees are unique to the property.

**AREA CHARACTER:**

- 
- 
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

All existing structures on adjacent properties along Pedernales Street are within the 15' street side yard setback, as shown on Exhibit B. The 5' side yard setback would be more consistent with neighboring properties than a 15' setback. With a 5' street side yard setback, construction on the lot will be further away from the critical root zones and from adjacent neighboring homes, and the protected trees shared with the neighbors will be preserved for everyone's benefit.

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

NA

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

NA

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

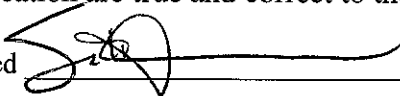
NA

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed



Mail Address

1409 W. 6<sup>th</sup> Street

City, State & Zip Austin, Tx 78703  
Printed Scott Turner Phone 473-9930 Date 2-25-13

**OWNERS CERTIFICATE** - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

★ Signed Rev. Jaime Trevino Mail Address 2260 Washington Ave.  
City, State & Zip Alvin, Tx 77511  
Printed Rev. Jaime Trevino Phone 713-628-5546 Date 2-25-13

## **GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT**

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

### **VARIANCE REQUIREMENTS:**

#### **General Requirements:**

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

**SUBMITTAL REQUIREMENTS:** (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) Other Information - Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (5) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

**REQUIRED FINDINGS:** All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

**Reasonable Use:**

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

**Hardship:**

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.
- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

**Area Character:**

Application must demonstrate to the Board how the variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the zoning regulations of the zoning district in which the property is located.

**NOTE:** Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

**Board of Adjustment Staff:**

**Susan Walker, Planner  
974-2202**

**Diana Ramirez, Administrative Specialist, Board Secretary  
974-2241**

**Fax #974-6536**

**Planning and Development Review Department  
One Texas Center  
505 Barton Springs Road, 2<sup>nd</sup> Floor**

**Mailing Address:  
P. O. Box 1088  
Austin, TX 78767-1088**

SCALE: 1"=30'

2501 EAST 4th STREET  
(56.5' R.O.W.)

Adjacent structure  
encroaches  
on 15' side yard  
setback

LOT 13  
BLOCK 1  
BOOK 4  
PAGE 5

Existing setbacks

HATCH REPRESENTING  
PROTECTED TREE  
CRITICAL ROOT ZONES  
AND CANOPIES IN COA  
BUILDING LINES

LOT 2  
BLOCK 1  
BOOK 4  
PAGE 5

Proposed 5'  
setback allows  
construction  
outside of critical  
root zones

EAST 3rd STREET  
(VARIABLE R.O.W.)

(N 67°02'34" W 43.50'

(N 67°02'00" E 42.65'

N 23°15'00" E 145.58'  
(N 23°15' E 145.685°)  
BEARING BASIS

RAILROAD TRACKS

PEDERNALES STREET  
(60' R.O.W.)

# LEGEND

- △ CALCULATED POINT
- PIPE RND.
- ⊗ BOLT RND.
- UTILITY POLE
- ⊖ GUY ANCHOR
- BUILDING LINE
- ⊖ DRAINAGE EASEMENT
- ⊖ PUBLIC UTILITY EASEMENT
- WOOD FENCE
- CHAIN LINK FENCE
- UTILITY LINE
- ⊖ ELEC. METER
- ⊖ GAS METER
- ⊖ WATER METER
- ⊖ TELE. P.D.
- ⊖ 1/2" IRON ROD W/ PLASTIC CAP STAKED CITY
- ⊖ "ALL POINTS" SET

LOT No. 1 AND 12 BLOCK "A" SUBDIVISION / ADDITION CHERNOSEY SUBDIVISION  
SECTION 4 Book 4 Page(s) 5 Plat Records  
TRANS. COUNTY, TEXAS Volume Document No. 512  
AUSTIN Reference: GETSEMAN, PENNYCOSTAL CHURCH

## EXHIBIT A- TREE LOCATIONS AND LOCATION OF BUILDING ON ADJACENT LOT

2501 EAST 4TH STREET AUSTIN TX 78702-

CITY OF AUSTIN GIS MAP



EXHIBIT B- ALL PROPERTIES ON PEDERNALES ARE WITHIN THE 15'  
SIDE YARD SETBACK- HOUSES ACROSS THE STREET HAVE NO SETBACK

February 13, 2013

To Whom It May Concern:

This letter authorizes Scott Turner to act as my agent for a variance and permits concerning the property at 2501 E. 4<sup>th</sup> Street, Austin, TX 78702.

Sincerely,

*Rev. Jaime Trevino*

Jaime Trevino  
Texas Latin Conference  
713-628-5546  
2260 Washington  
Alvin, TX 77511

# Travis CAD

## Property Search Results > 189614 GETSEMANI PENTACOSTAL CHURCH T for Year 2013

### Property

#### Account

Property ID: 189614 Legal Description: LOT 1&12 BLK 1 OLT 11 DIV O CHERNOSKY M E  
 Geographic ID: 0202110301 Agent Code:  
 Type: Real  
 Property Use Code:  
 Property Use Description:

#### Location

Address: 2501 E 4 ST TX Mapsco: 615D  
 Neighborhood: OFFICE SMALL <10,000SF Map ID: 020211  
 Neighborhood CD: 53EXE

#### Owner

Name: GETSEMANI PENTACOSTAL CHURCH T Owner ID: 175721  
 Mailing Address: CHURCH TRUSTEES % Ownership: 100.000000000000%  
 2501 E 4TH ST  
 AUSTIN, TX 78702-4711

Exemptions: EX

### Values

(+) Improvement Homesite Value: + N/A  
 (+) Improvement Non-Homesite Value: + N/A  
 (+) Land Homesite Value: + N/A  
 (+) Land Non-Homesite Value: + N/A Ag / Timber Use Value  
 (+) Agricultural Market Valuation: + N/A N/A  
 (+) Timber Market Valuation: + N/A N/A  
 -----  
 (=) Market Value: = N/A  
 (-) Ag or Timber Use Value Reduction: - N/A  
 -----  
 (=) Appraised Value: = N/A  
 (-) HS Cap: - N/A  
 -----  
 (=) Assessed Value: = N/A

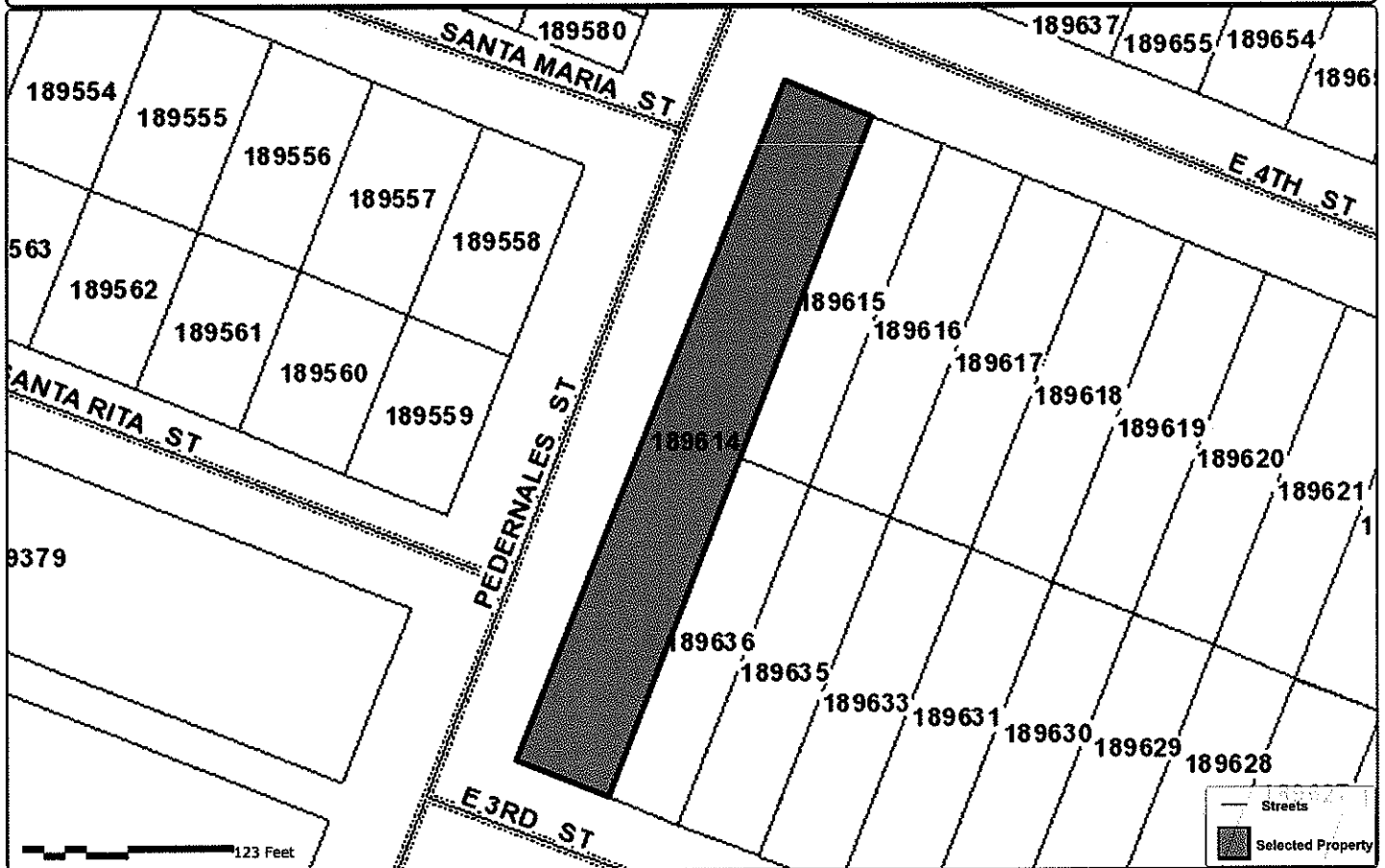
### Taxing Jurisdiction

Owner: GETSEMANI PENTACOSTAL CHURCH T  
 % Ownership: 100.000000000000%  
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
01	AUSTIN ISD	N/A	N/A	N/A	N/A
02	CITY OF AUSTIN	N/A	N/A	N/A	N/A
03	TRAVIS COUNTY	N/A	N/A	N/A	N/A
0A	TRAVIS CENTRAL APP DIST	N/A	N/A	N/A	N/A
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	N/A	N/A	N/A	N/A



## Travis CAD - Map of Property ID 189614 for Year 2013



### Property Details

#### Account

Property ID: 189614

Geo ID: 0202110301

Type: Real

Legal Description: LOT 1&12 BLK 1 OLT 11 DIV O CHERNOSKY M E

#### Location

Situs Address: 2501 E 4 ST TX

Neighborhood: OFFICE SMALL <10,000SF

Mapsco: 615D

Jurisdictions: 0A, 01, 02, 03, 2J, 68

#### Owner

Owner Name: GETSEMANI PENTACOSTAL CHURCH T

Mailing Address: CHURCH TRUSTEES, 2501 E 4TH ST, AUSTIN, TX 78702-4711

#### Property

Appraised Value: N/A

<http://propaccess.traviscad.org/Map/View/Map/1/189614/2013>

powered by:  
**PropertyACCESS**  
www.trueautomation.com

Map Disclaimer: This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.